

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA,

v.

Case No. 8:18-cr-597-TPB-JSS

JAVIER MONSERRATE VASQUEZ,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on October 3, 2023. (Doc. 594). Judge Sneed recommends that the motions to quash subpoena (Docs. 543; 545; 551) be granted in part and denied in part. Specifically, Judge Sneed recommends that the motions to quash be granted as to trial testimony of former defense counsel H. Manuel Hernandez and his investigator, but denied as to H. Manuel Hernandez's invoices and records of payment for legal fees and services rendered on behalf of Defendant. Defendant and Mr. Hernandez have partially objected to the report and recommendation to the extent it requires disclosure of the invoices and payment records. (Docs. 600; 604). The Government has indicated that it does not object to the report and recommendation.

Under the Federal Magistrates Act, Congress vests Article III judges with the power to "designate a magistrate judge to hear and determine any pretrial matter pending before the court," subject to various exceptions. 28 U.S.C. § 636(b)(1)(A).

The Act further vests magistrate judges with authority to submit proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1)(B). After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982).

After careful consideration of the record, the Court adopts the report and recommendation. Judge Sneed's well-reasoned report and recommendation thoughtfully addresses the issues, and her findings and conclusions are factually and legally sound. The objections do not provide any legitimate basis to overrule the magistrate judge's report and recommendation.

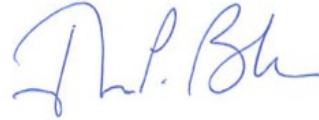
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. 594) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The motions to quash (Doc. 543; 545; 551) are **GRANTED** to the extent that the trial subpoenas directed at Mr. Hernandez and Mr. Rodriguez are **QUASHED**.
- (3) The motions to quash are **DENIED** to the extent that Mr. Hernandez is required to produce all invoices and records of payment for legal fees and

services rendered on behalf of Defendant Monserrate Vazquez to the
Government on or before 5:00 pm on October 6, 2023.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 5th day of
October, 2023.



TOM BARBER
UNITED STATES DISTRICT JUDGE

Copies to:

United States Magistrate Judge Julie S. Sneed
Assistant United States Attorney
Counsel for Defendant
H. Manuel Hernandez, Esq.